

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Seandrea Lamont Johnson, #318610,

Plaintiff,

v.

Bubba Simmons; Tonya Capers;  
Shaquandra Dunbar; and County of  
Allendale,

Defendants.

Civil Action 1:17-cv-2495-TLW

**ORDER**

Plaintiff Seandrea Lamont Johnson, proceeding *pro se*, brought this action pursuant to 42 U.S.C. § 1983. ECF No. 1. This matter is before the Court for review of the Report and Recommendation (the Report) filed by United States Magistrate Shiva V. Hodges to whom this case was previously assigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d), (D.S.C.).<sup>1</sup> ECF No. 30. In the Report, the Magistrate Judge recommends dismissing the complaint without prejudice and without issuance and service of process. *Id.* Objections were due on April 10, 2018. However, Plaintiff did not file objections to the Report.

In reviewing the R&R, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to

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<sup>1</sup> The Court notes that on November 13, 2017, the Magistrate Judge filed the first report and recommendation. ECF No. 14. Thereafter, Plaintiff filed a motion to amend the complaint and the case was recommitted to the Magistrate Judge for further analysis. Subsequently, the Magistrate Judge filed a second Report recommending the Court dismiss this action. ECF No. 30. Thus, the Court finds that the first report, ECF No. 14, is MOOT.

those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

*Wallace v. Hous. Auth. of City of Columbia*, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in *Wallace*, the Court has reviewed *de novo* the Report and the subsequent filings. The Report recommends dismissing the case based on Plaintiff's failure to prosecute pursuant to Fed. R. Civ. P. 41. ECF No. 30. The Court notes that Plaintiff has not objected to the Report. After careful consideration, **IT IS ORDERED** that the Report, ECF No. 30, is **ACCEPTED**, and the Complaint, ECF No. 1, is hereby **DISMISSED** without prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
Chief United States District Judge

August 13, 2018  
Columbia, South Carolina